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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council Resolution 1996/31.

[11 January 1999]

GE.99-10583 (EXT)

Situation of human rights in Tunisia

1. The International Federation of Human Rights Leagues (IFHR) and its member organization, Ligue tunisienne de défense des droits de l'homme (LTDH), once more express their concern at the persistence of grave and systematic human rights violations in Tunisia. The Tunisian Government's determination to appropriate the discourse on human rights and its attempts to portray the State as an ostensibly pluralist democracy that respects freedoms have, in practice, gone hand in hand with the proliferation of grave violations of fundamental rights and freedoms and a hardening of the laws, in defiance of international norms. Human rights defenders are the prime victims of such human rights violations.

2. The Tunisian Government uses sophisticated methods for harassing and intimidating human rights defenders and a mechanism of external communication and diplomatic intervention with considerable resources at its disposal for endeavouring to improve its image, notably within the organs of the United Nations. Tunisia's policy in that domain is now universally denounced by the main international human rights organizations. On the pretext of combating Islamic fundamentalism, the Tunisian authorities have in fact transgressed every rule of law and closed off all areas of freedom. Hence, the IFHR and the LTDH exhort the Commission to react strongly and place the human rights situation in Tunisia on its agenda.

3. This appeal is all the more justified since, four years after the critical conclusions and urgent recommendations of the United Nations Human Rights Committee (18 and 19 October 1994) concerning the conditions of the Tunisian Government's implementation of the provisions of the International Covenant on Civil and Political Rights, the conclusions which the Commission against Torture (CAT) communicated to the Tunisian authorities on 18 November 1998, following examination of Tunisia's second periodic report, were particularly forceful. In them the Committee expressed its concern at the now widespread practice of torture in Tunisia which sometimes results in the death of detainees. Those conclusions and recommendations of the Committee against Torture seriously belie the discourse of self-satisfaction and dissimulation of the actual repression systematically practised by Tunisian diplomacy. While virulently attacking the international non-governmental organizations, accusing them of every kind of evil, while marginalizing and stifling local associations, especially the LTDH, and at the same time sanctioning the diatribes of false NGOs unconditionally supportive of its politics, the Tunisian Government has still not managed to disguise the facts, of which systematic violations of fundamental civil and political rights are hallmarks.

4. Tunisia is thus split into two contradictory images: the one - real but greatly enhanced for propaganda purposes - of a stable country with social achievements (especially with regard to legislation on women's rights), which it is in its interest to preserve and implant in judicial practice, and the other - the image of a Tunisia of flouted freedoms and muzzled human rights defenders. An implacable and pernicious system of tight political and police control and harassment based on partisan surveillance, intimidation and informing has resulted in the population's internalization of fear. In order to silence human rights defenders, the authorities have deployed an entire arsenal of repression to hush any discordant voice: unfair trials, beatings, systematic practice of

torture, the deliberately humiliating conditions of detention in which nearly two thousand political prisoners are kept, arbitrary arrests, repeated interrogations, harassment of relatives, including children, professional victimization, tapping of telephones, confiscation of passports, threats, attacks on property (cars, offices, homes, etc.), hate campaigns in the press in the form of slanderous, insulting and degrading articles and withdrawal of nationality. Added to all this are the monochrome, muzzled press and the many acts of juridical and legislative window-dressing which, like the recent law on passports and the post-office code, confer a semblance of "legality" on the most arbitrary acts and divest citizenship of some of its essential attributes.

5. It is in this context that the IFHR and the LTDH would like to call attention to the situation of Mr. Khémais Ksila, Vice-President of the LTDH, imprisoned since 29 September 1997. He is serving a three-year prison term to which he was sentenced for "slander against public order, dissemination of false information likely to disturb public order and incitement to citizens to transgress the laws of the land". All the Tunisian and foreign observers who attended his trial are agreed on the iniquity of the sentence delivered on the basis of a crime of opinion based solely on the Mr. Khémais Ksila's having publicly announced a hunger strike to protest against the harassment to which he and his relatives were subjected because of his involvement with the League.

6. Since that time, not only has the Tunisian Government turned a deaf ear to all protests and demands for Mr. Khémais Ksila's release, it even keeps him in intolerable detention conditions, while his wife and children have been intimidated on a daily basis. Many approaches have been made to the working group on arbitrary arrest of the United Nations Commission on Human Rights and to the United Nations High Commissioner for Human Rights, through a resolution of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, for them to make inquiries about the safety of a number of human rights defenders, including Khémais Ksila, and to inform the Sub-Commission at its fifty-first session of the outcome. Unfortunatly, the Tunisian Government has not responded to these approaches and appeals.

7. The IFHR and the LTDH request the Commission on Human Rights to call upon Tunisia to:

a) implement the CAT's recommendations;

b) guarantee human rights defenders the necessary freedom of action, pursuant to the Declaration on the Protection of Human Rights Defenders, adopted by the General Assembly on 9 December 1998, and, in particular, to release Mr. Ksila immediately.